

Union Calendar No. 327

104TH CONGRESS  
2D Session

**H. R. 3643**

[Report No. 104-648]

**A BILL**

To amend title 38, United States Code, to extend through December 31, 1998, the period during which the Secretary of Veterans Affairs is authorized to provide priority health care to certain veterans who were exposed to Agent Orange or who served in the Persian Gulf War and to make such authority permanent in the case of certain veterans exposed to ionizing radiation, and for other purposes.

JUNE 27, 1996

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 1996

Mr. HUTCHINSON (for himself, Mr. EDWARDS, Mr. STUMP, and Mr. MONTGOMERY) introduced the following bill; which was referred to the Committee on Veterans' Affairs

JUNE 27, 1996

Additional sponsors: Mr. WELLER, Mr. WATTS of Oklahoma, Mr. BILIRAKIS, Mr. SMITH of New Jersey, Ms. BROWN of Florida, Mr. FLANAGAN, Mr. STEARNS, Mr. DEAL of Georgia, Mr. QUINN, Mr. FOX of Pennsylvania, Mr. CLEMENT, Mr. TEJEDA, and Mr. MASCARA

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[Insert the part printed in *italic*]

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retary of Veterans Affairs is authorized to provide priority health care to certain veterans who were exposed to Agent Orange or who served in the Persian Gulf War and to make such authority permanent in the case of certain veterans exposed to ionizing radiation, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
 2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. AUTHORITY TO PROVIDE PRIORITY HEALTH**  
 4               **CARE.**

5       (a)    AUTHORIZED    INPATIENT    CARE.—Section  
 6   1710(e) of title 38, United States Code, is amended—

7               (1) in paragraph (1), by striking out subpara-  
 8       graphs (A) and (B) and inserting in lieu thereof the  
 9       following:

10       “(e)(1)(A) A herbicide-exposed veteran is eligible for  
 11   hospital care and nursing home care under subsection  
 12   (a)(1)(G) for any disease suffered by the veteran that is—

13               “(i) among those diseases for which the Na-  
 14       tional Academy of Sciences, in a report issued in ac-  
 15       cordance with section 2 of the Agent Orange Act of  
 16       1991, has determined—

17               “(I) that there is sufficient evidence to  
 18       conclude that there is a positive association be-  
 19       tween occurrence of the disease in humans and  
 20       exposure to a herbicide agent;

1           “(II) that there is evidence which is sug-  
2           gestive of an association between occurrence of  
3           the disease in humans and exposure to a herbi-  
4           cide agent, but such evidence is limited in na-  
5           ture; or

6           “(III) that available studies are insufficient  
7           to permit a conclusion about the presence or  
8           absence of an association between occurrence of  
9           the disease in humans and exposure to a herbi-  
10          cide agent; or

11          “(ii) a disease for which the Secretary, pursu-  
12          ant to a recommendation of the Under Secretary for  
13          Health on the basis of a peer-reviewed research  
14          study or studies published within 20 months after  
15          the most recent report of the National Academy  
16          under section 2 of the Agent Orange Act of 1991,  
17          determines there is credible evidence suggestive of  
18          an association between occurrence of the disease in  
19          humans and exposure to a herbicide agent.

20          “(B) A radiation-exposed veteran is eligible for hos-  
21          pital care and nursing home care under subsection  
22          (a)(1)(G) for any disease suffered by the veteran that is—

23               “(i) a disease listed in section 1112(c)(2) of  
24          this title; or

1           “(ii) any other disease for which the Secretary,  
2           based on the advice of the Advisory Committee on  
3           Environmental Hazards, determines that there is  
4           credible evidence of a positive association between  
5           occurrence of the disease in humans and exposure to  
6           ionizing radiation.”;

7           (2) in paragraph (2)—

8                   (A) by striking out “Hospital” and insert-  
9                   ing in lieu thereof “In the case of a veteran de-  
10                  scribed in paragraph (1)(C), hospital”; and

11                  (B) by striking out “subparagraph” and  
12                  all that follows through “subsection” and in-  
13                  serting in lieu thereof “paragraph (1)(C)”; and

14           (3) in paragraph (3), by striking out “of this  
15           section after December 31, 1996” and inserting in  
16           lieu thereof “after December 31, 1998, in the case  
17           of care for a veteran described in paragraph (1)(A)  
18           or paragraph (1)(C)”; and

19           (4) by adding at the end the following new  
20           paragraph:

21           “(4) For purposes of this subsection and section  
22   1712 of this title:

23                   “(A) The term ‘herbicide-exposed veteran’  
24                   means a veteran (i) who served on active duty in the  
25                   Republic of Vietnam during the Vietnam era, and

1 (ii) who the Secretary finds may have been exposed  
2 during such service to a herbicide agent.

3 “(B) The term ‘herbicide agent’ has the mean-  
4 ing given that term in section 1116(a)(4) of this  
5 title.

6 “(C) The term ‘radiation-exposed veteran’ has  
7 the meaning given that term in section 1112(c)(4) of  
8 this title.”.

9 (b) AUTHORIZED OUTPATIENT CARE.—Section 1712  
10 of such title is amended—

11 (1) in subsection (a)(1)—

12 (A) by striking out “and” at the end of  
13 subparagraph (C);

14 (B) in subparagraph (D)—

15 (i) by striking out “before December  
16 31, 1996,” and inserting in lieu thereof  
17 “before January 1, 1999,”; and

18 (ii) by striking out the period at the  
19 end of subparagraph (D) and inserting in  
20 lieu thereof a semicolon;

21 (C) by adding at the end the following new  
22 subparagraphs:

23 “(E) during the period before January 1, 1999,  
24 to any herbicide-exposed veteran (as defined in sec-

1       tion 1710(e)(4)(A) of this title) for any disease spec-  
 2       ified in section 1710(e)(1)(A) of this title; and

3           “(F) to any radiation-exposed veteran (as de-  
 4       fined in section 1112(c)(4) of this title) for any dis-  
 5       ease covered under section 1710(e)(1)(B) of this  
 6       title.”; and

7           (2) in subsection (i)(3)—

8                   (A) by striking out “(A)”; and

9                   (B) by striking out “, or (B)” and all that  
 10       follows through “title”.

11       (c) SAVINGS PROVISIONS.—The provisions of sections  
 12       1710(e) and 1712(a) of title 38, United States Code, as  
 13       in effect on the day before the date of the enactment of  
 14       this Act, shall continue to apply on and after such date  
 15       with respect to the furnishing of hospital care, nursing  
 16       home care, and medical services for any veteran who was  
 17       furnished such care or services before such date of enact-  
 18       ment on the basis of presumed exposure to a substance  
 19       or radiation under the authority of those provisions, but  
 20       only for treatment for a disability for which such care or  
 21       services were furnished before such date.

22       (d) *PRIORITY HEALTH CARE FOR SERVICE IN ISRAEL*  
 23       *OR TURKEY DURING PERSIAN GULF WAR.*—(1) *Section*  
 24       *1710(e)(1)(C) of title 38, United States Code, is amended*  
 25       *by inserting after “Southwest Asia theater of operations”*

1 *the following: “, or who may have been exposed while serv-*  
 2 *ing on active duty in Israel or Turkey during the period*  
 3 *beginning on August 2, 1990, and ending on July 31,*  
 4 *1991,”.*

5 (2) *Section 1712(a)(1)(D) of such title is amended by*  
 6 *inserting after “during the Persian Gulf War” the follow-*  
 7 *ing: “, or who served on active duty in Israel or Turkey*  
 8 *during the period beginning on August 2, 1990, and ending*  
 9 *on July 31, 1991,”.*

10 **SEC. 2. DEPARTMENT COMMITTEE ON CARE OF SEVERELY**  
 11 **CHRONICALLY MENTALLY ILL VETERANS.**

12 (a) **ESTABLISHMENT.**—Subchapter II of chapter 73  
 13 of title 38, United States Code, is amended by adding  
 14 after section 7318 the following new section:

15 **“§ 7319. Committee on Care of Severely Chronically**  
 16 **Mentally Ill Veterans**

17 “(a) **ESTABLISHMENT.**—The Secretary, acting  
 18 through the Under Secretary for Health, shall establish  
 19 in the Veterans Health Administration a Committee on  
 20 Care of Severely Chronically Mentally Ill Veterans. The  
 21 Under Secretary shall appoint employees of the Depart-  
 22 ment with expertise in the care of the chronically mentally  
 23 ill to serve on the committee.

24 “(b) **DUTIES.**—The committee shall assess, and carry  
 25 out a continuing assessment of, the capability of the Vet-



1 erans Health Administration to meet effectively the treat-  
2 ment and rehabilitation needs of mentally ill veterans  
3 whose mental illness is severe and chronic and who are  
4 eligible for health care furnished by the Department, *in-*  
5 *cluding the needs of such veterans who are women.* In carry-  
6 ing out that responsibility, the committee shall—

7           “(1) evaluate the care provided to such veterans  
8           through the Veterans Health Administration;

9           “(2) identify systemwide problems in caring for  
10          such veterans in facilities of the Veterans Health  
11          Administration;

12          “(3) identify specific facilities within the Veter-  
13          ans Health Administration at which program enrich-  
14          ment is needed to improve treatment and rehabilita-  
15          tion of such veterans; and

16          “(4) identify model programs which the com-  
17          mittee considers to have been successful in the treat-  
18          ment and rehabilitation of such veterans and which  
19          should be implemented more widely in or through fa-  
20          cilities of the Veterans Health Administration.

21          “(c) ADVICE AND RECOMMENDATIONS.—The com-  
22          mittee shall—

23               “(1) advise the Under Secretary regarding the  
24               development of policies for the care and rehabilita-  
25               tion of severely chronically mentally ill veterans; and

1           “(2) make recommendations to the Under Sec-  
2       retary—

3           “(A) for improving programs of care of  
4       such veterans at specific facilities and through-  
5       out the Veterans Health Administration;

6           “(B) for establishing special programs of  
7       education and training relevant to the care of  
8       such veterans for employees of the Veterans  
9       Health Administration;

10          “(C) regarding research needs and prior-  
11       ities relevant to the care of such veterans; and

12          “(D) regarding the appropriate allocation  
13       of resources for all such activities.

14       “(d) ANNUAL REPORT.—(1) Not later than April 1,  
15   1997, the Secretary shall submit to the Committees on  
16   Veterans’ Affairs of the Senate and House of Representa-  
17   tives a report on the implementation of this section. The  
18   report shall include the following:

19           “(A) A list of the members of the committee.

20           “(B) The assessment of the Under Secretary  
21       for Health, after review of the initial findings of the  
22       committee, regarding the capability of the Veterans  
23       Health Administration, on a systemwide and facility-  
24       by-facility basis, to meet effectively the treatment  
25       and rehabilitation needs of severely chronically men-

1       tally ill veterans who are eligible for Department  
2       care.

3               “(C) The plans of the committee for further as-  
4       sessments.

5               “(D) The findings and recommendations made  
6       by the committee to the Under Secretary for Health  
7       and the views of the Under Secretary on such find-  
8       ings and recommendations.

9               “(E) A description of the steps taken, plans  
10       made (and a timetable for their execution), and re-  
11       sources to be applied toward improving the capabil-  
12       ity of the Veterans Health Administration to meet  
13       effectively the treatment and rehabilitation needs of  
14       severely chronically mentally ill veterans who are eli-  
15       gible for Department care.

16       “(2) Not later than February 1, 1998, and February  
17   1 of each of the three following years, the Secretary shall  
18   submit to the Committees on Veterans’ Affairs of the Sen-  
19   ate and House of Representatives a report containing in-  
20   formation updating the reports submitted under this sub-  
21   section before the submission of such report.”.

22       (b) CLERICAL AMENDMENT.—The table of sections  
23   at the beginning of chapter 73 is amended by inserting  
24   after the item relating to section 7318 the following new  
25   item:

“7319. Committee on Care of Severely Chronically Mentally Ill Veterans.”.

1 **SEC. 3. CENTERS FOR MENTAL ILLNESS RESEARCH, EDU-**  
2 **CATION, AND CLINICAL ACTIVITIES.**

3 (a) IN GENERAL.—(1) Subchapter II of chapter 73  
4 is amended by adding after section 7319, as added by sec-  
5 tion 2(a), the following new section:

6 **“§ 7320. Centers for mental illness research, edu-**  
7 **cation, and clinical activities**

8 “(a) The purpose of this section is to provide for the  
9 improvement of the provision of health-care services and  
10 related counseling services to eligible veterans suffering  
11 from mental illness (especially mental illness related to  
12 service-related conditions) through—

13 “(1) the conduct of research (including research  
14 on improving mental health service facilities of the  
15 Department and on improving the delivery of mental  
16 health services by the Department);

17 “(2) the education and training of health care  
18 personnel of the Department; and

19 “(3) the development of improved models and  
20 systems for the furnishing of mental health services  
21 by the Department.

22 “(b)(1) The Secretary shall establish and operate  
23 centers for mental illness research, education, and clinical  
24 activities. Such centers shall be established and operated  
25 by collaborating Department facilities as provided in sub-

1 section (c)(1). Each such center shall function as a center  
2 for—

3 “(A) research on mental health services;

4 “(B) the use by the Department of specific  
5 models for furnishing services to treat serious men-  
6 tal illness;

7 “(C) education and training of health-care pro-  
8 fessionals of the Department; and

9 “(D) the development and implementation of  
10 innovative clinical activities and systems of care with  
11 respect to the delivery of such services by the De-  
12 partment.

13 “(2) The Secretary shall, upon the recommendation  
14 of the Under Secretary for Health, designate the centers  
15 under this section. In making such designations, the Sec-  
16 retary shall ensure that the centers designated are located  
17 in various geographic regions of the United States. The  
18 Secretary may designate a center under this section only  
19 if—

20 “(A) the proposal submitted for the designation  
21 of the center meets the requirements of subsection  
22 (c);

23 “(B) the Secretary makes the finding described  
24 in subsection (d); and

1           “(C) the peer review panel established under  
2           subsection (e) makes the determination specified in  
3           subsection (e)(3) with respect to that proposal.

4           “(3) Not more than five centers may be designated  
5           under this section.

6           “(4) The authority of the Secretary to establish and  
7           operate centers under this section is subject to the appro-  
8           priation of funds for that purpose.

9           “(c) A proposal submitted for the designation of a  
10          center under this section shall—

11           “(1) provide for close collaboration in the estab-  
12          lishment and operation of the center, and for the  
13          provision of care and the conduct of research and  
14          education at the center, by a Department facility or  
15          facilities in the same geographic area which have a  
16          mission centered on care of the mentally ill and a  
17          Department facility in that area which has a mission  
18          of providing tertiary medical care;

19           “(2) provide that no less than 50 percent of the  
20          funds appropriated for the center for support of clin-  
21          ical care, research, and education will be provided to  
22          the collaborating facility or facilities that have a  
23          mission centered on care of the mentally ill; and

24           “(3) provide for a governance arrangement be-  
25          tween the collaborating Department facilities which

1 ensures that the center will be established and oper-  
2 ated in a manner aimed at improving the quality of  
3 mental health care at the collaborating facility or fa-  
4 cilities which have a mission centered on care of the  
5 mentally ill.

6 “(d) The finding referred to in subsection (b)(2)(B)  
7 with respect to a proposal for designation of a site as a  
8 location of a center under this section is a finding by the  
9 Secretary, upon the recommendation of the Under Sec-  
10 retary for Health, that the facilities submitting the pro-  
11 posal have developed (or may reasonably be anticipated  
12 to develop) each of the following:

13 “(1) An arrangement with an accredited medi-  
14 cal school that provides education and training in  
15 psychiatry and with which one or more of the par-  
16 ticipating Department facilities is affiliated under  
17 which medical residents receive education and train-  
18 ing in psychiatry through regular rotation through  
19 the participating Department facilities so as to pro-  
20 vide such residents with training in the diagnosis  
21 and treatment of mental illness.

22 “(2) An arrangement with an accredited grad-  
23 uate school of psychology under which students re-  
24 ceive education and training in clinical, counseling,  
25 or professional psychology through regular rotation

1 through the participating Department facilities so as  
2 to provide such students with training in the diag-  
3 nosis and treatment of mental illness.

4 “(3) An arrangement under which nursing, so-  
5 cial work, or allied health personnel receive training  
6 and education in mental health care through regular  
7 rotation through the participating Department facili-  
8 ties.

9 “(4) The ability to attract scientists who have  
10 demonstrated achievement in research—

11 “(A) into the evaluation of innovative ap-  
12 proaches to the design of mental health serv-  
13 ices; or

14 “(B) into the causes, prevention, and  
15 treatment of mental illness.

16 “(5) The capability to evaluate effectively the  
17 activities of the center, including activities relating  
18 to the evaluation of specific efforts to improve the  
19 quality and effectiveness of mental health services  
20 provided by the Department at or through individual  
21 facilities.

22 “(e)(1) In order to provide advice to assist the Sec-  
23 retary and the Under Secretary for Health to carry out  
24 their responsibilities under this section, the official within  
25 the central office of the Veterans Health Administration



1 responsible for mental health and behavioral sciences mat-  
2 ters shall establish a peer review panel to assess the sci-  
3 entific and clinical merit of proposals that are submitted  
4 to the Secretary for the designation of centers under this  
5 section.

6 “(2) The panel shall consist of experts in the fields  
7 of mental health research, education and training, and  
8 clinical care. Members of the panel shall serve as consult-  
9 ants to the Department.

10 “(3) The panel shall review each proposal submitted  
11 to the panel by the official referred to in paragraph (1)  
12 and shall submit to that official its views on the relative  
13 scientific and clinical merit of each such proposal. The  
14 panel shall specifically determine with respect to each such  
15 proposal whether that proposal is among those proposals  
16 which have met the highest competitive standards of sci-  
17 entific and clinical merit.

18 “(4) The panel shall not be subject to the Federal  
19 Advisory Committee Act (5 U.S.C. App.).

20 “(f) Clinical and scientific investigation activities at  
21 each center established under this section—

22 “(1) may compete for the award of funding  
23 from amounts appropriated for the Department of  
24 Veterans Affairs medical and prosthetics research  
25 account; and

1           “(2) shall receive priority in the award of fund-  
2           ing from such account insofar as funds are awarded  
3           to projects and activities relating to mental illness.

4           “(g) The Under Secretary for Health shall ensure  
5           that at least three centers designated under this section  
6           emphasize research into means of improving the quality  
7           of care for veterans suffering from mental illness through  
8           the development of community-based alternatives to insti-  
9           tutional treatment for such illness.

10          “(h) The Under Secretary for Health shall ensure  
11          that information produced by the research, education and  
12          training, and clinical activities of centers established under  
13          this section that may be useful for other activities of the  
14          Veterans Health Administration is disseminated through-  
15          out the Veterans Health Administration. Such dissemina-  
16          tion shall be made through publications, through pro-  
17          grams of continuing medical and related education pro-  
18          vided through regional medical education centers under  
19          subchapter VI of chapter 74 of this title, and through  
20          other means. Such programs of continuing medical edu-  
21          cation shall receive priority in the award of funding.

22          “(i) The official within the central office of the Veter-  
23          ans Health Administration responsible for mental health  
24          and behavioral sciences matters shall be responsible for  
25          supervising the operation of the centers established pursu-

1 ant to this section and shall provide for ongoing evaluation  
2 of the centers and their compliance with the requirements  
3 of this section.

4 “(j)(1) There are authorized to be appropriated to  
5 the Department of Veterans Affairs for the basic support  
6 of the research and education and training activities of  
7 centers established pursuant to this section amounts as  
8 follows:

9 “(A) \$3,125,000 for fiscal year 1998.

10 “(B) \$6,250,000 for each of fiscal years 1999  
11 through 2001.

12 “(2) In addition to funds appropriated for a fiscal  
13 year pursuant to the authorization of appropriations in  
14 paragraph (1), the Under Secretary for Health shall allo-  
15 cate to such centers from other funds appropriated for  
16 that fiscal year generally for the Department of Veterans  
17 Affairs medical care account and the Department of Vet-  
18 erans Affairs medical and prosthetics research account  
19 such amounts as the Under Secretary for Health deter-  
20 mines appropriate to carry out the purposes of this sec-  
21 tion.”.

22 (2) The table of sections at the beginning of chapter  
23 73 is amended by inserting after the item relating to sec-  
24 tion 7319, as added by section 2(b), the following new  
25 item:

“7320. Centers for mental illness research, education, and clinical activities.”.

1 (b) ANNUAL REPORTS.—Not later than February 1  
2 of each of 1998, 1999, and 2000, the Secretary of Veter-  
3 ans Affairs shall submit to the Committees on Veterans'  
4 Affairs of the Senate and House of Representatives a re-  
5 port on the status and activities during the previous fiscal  
6 year of the centers for mental illness, research, education,  
7 and clinical activities established pursuant to section 7320  
8 of title 38, United States Code (as added by subsection  
9 (a)). Each such report shall include the following:

10 (1) A description of the activities carried out at  
11 each center and the funding provided for such activi-  
12 ties.

13 (2) A description of the advances made at each  
14 of the participating facilities of the center in re-  
15 search, education and training, and clinical activities  
16 relating to mental illness in veterans.

17 (3) A description of the actions taken by the  
18 Under Secretary for Health pursuant to subsection  
19 (h) of that section (as so added) to disseminate in-  
20 formation derived from such activities throughout  
21 the Veterans Health Administration.

22 (4) The Secretary's evaluations of the effective-  
23 ness of the centers in fulfilling the purposes of the  
24 centers.

1 (c) IMPLEMENTATION.—The Secretary of Veterans  
2 Affairs shall designate at least one center under section  
3 7320 of title 38, United States Code, not later than Janu-  
4 ary 1, 1998.

5 **SEC. 4. DISBURSEMENT AGREEMENTS RELATING TO MEDI-**  
6 **CAL RESIDENTS AND INTERNS.**

7 Section 7406(c) of title 38, United States Code, is  
8 amended—

9 (1) by striking out “Department hospital” each  
10 place it appears and inserting in lieu thereof “De-  
11 partment facility furnishing hospital care or medical  
12 services”;

13 (2) by striking out “participating hospital” in  
14 paragraph (4)(C) and inserting in lieu thereof “par-  
15 ticipating facility”; and

16 (3) by striking out “hospital” both places it ap-  
17 pears in paragraph (5) and inserting in lieu thereof  
18 “facility”.

19 **SEC. 5. AUTHORITY TO SUSPEND SPECIAL PAY AGREE-**  
20 **MENTS FOR PHYSICIANS AND DENTISTS WHO**  
21 **ENTER RESIDENCY TRAINING PROGRAMS.**

22 Section 7432(b)(2) of title 38, United States Code,  
23 is amended—

24 (1) by inserting “(A)” after “(2)”; and

25 (2) by adding at the end the following:

1       “(B) The Secretary may suspend a special pay agree-  
 2       ment entered into under this section in the case of a physi-  
 3       cian or dentist who, having entered into the special pay  
 4       agreement, enters a residency training program. Any such  
 5       suspension shall terminate when the physician or dentist  
 6       completes, withdraws from, or is no longer a participant  
 7       in the program. During the period of such a suspension,  
 8       the physician or dentist is not subject to the provisions  
 9       of paragraph (1).”.

10   **SEC. 6. REPORTING REQUIREMENTS.**

11       (a) *EXTENSION OF ANNUAL REPORT REQUIREMENT.*—  
 12       Section 107(a) of the Veterans Health Care Act of 1992  
 13       (Public Law 102–585; 38 U.S.C. 1710 note) is amended by  
 14       striking out “Not later than January 1, 1993, January 1,  
 15       1994, and January 1, 1995” and inserting in lieu thereof  
 16       “Not later than January 1 of 1993 and each year thereafter  
 17       through 1998”.

18       (b) *REPORT ON HEALTH CARE AND RESEARCH.*—Sec-  
 19       tion 107(b) of such Act is amended—

20               (1) in paragraph (2)(A), by inserting “(includ-  
 21       ing information on the number of inpatient stays and  
 22       the number of outpatient visits through which such  
 23       services were provided)” after “facility”; and

24               (2) by adding at the end the following new para-  
 25       graph:

1           “(5) *A description of the actions taken by the*  
2           *Secretary to foster and encourage the expansion of*  
3           *such research.*”.

4   **SEC. 7. ASSESSMENT OF USE BY WOMEN VETERANS OF DE-**  
5           **PARTMENT HEALTH SERVICES.**

6           *(a) REPORTS TO UNDER SECRETARY FOR HEALTH.—*  
7           *The Center for Women Veterans of the Department of Veter-*  
8           *ans Affairs (established under section 509 of Public Law*  
9           *103–446), in consultation with the Advisory Committee on*  
10          *Women Veterans, shall assess the use by women veterans*  
11          *of health services through the Department of Veterans Af-*  
12          *fairs, including counseling for sexual trauma and mental*  
13          *health services. The Center shall submit to the Under Sec-*  
14          *retary for Health of the Department of Veterans Affairs a*  
15          *report not later than April 1, 1997, and April 1 of each*  
16          *of the two following years, on—*

17                  *(1) the extent to which women veterans described*  
18                  *in section 1710(a)(1) of title 38, United States Code,*  
19                  *fail to seek, or face barriers in seeking, health services*  
20                  *through the Department, and the reasons therefor; and*

21                  *(2) recommendations, if indicated, for encourag-*  
22                  *ing greater use of such services, including (if appro-*  
23                  *priate) public service announcements and other out-*  
24                  *reach efforts.*

1       (b) *REPORTS TO CONGRESSIONAL COMMITTEES.*—Not  
 2       *later than July 1, 1997, and July 1 of each of the two fol-*  
 3       *lowing years, the Secretary of Veterans Affairs shall submit*  
 4       *to the Committees on Veterans' Affairs of the Senate and*  
 5       *House of Representatives a report containing—*

6               (1) *the most recent report of the Center for*  
 7       *Women Veterans under subsection (a);*

8               (2) *the views of the Under Secretary for Health*  
 9       *on such report's findings and recommendations; and*

10              (3) *a description of the steps being taken by the*  
 11       *Secretary to remedy any problems described in the re-*  
 12       *port.*

13       **SEC. 8. MAMMOGRAPHY QUALITY STANDARDS.**

14       (a) *IN GENERAL.*—(1) *Subchapter II of chapter 73 of*  
 15       *title 38, United States Code, is amended by adding after*  
 16       *section 7320, as added by section 3(a), the following new*  
 17       *section:*

18       **“§ 7321. Mammography quality standards**

19              “(a) *A mammogram may not be performed at a De-*  
 20       *partment facility unless that facility is accredited for that*  
 21       *purpose by a private nonprofit organization designated by*  
 22       *the Secretary. An organization designated by the Secretary*  
 23       *under this subsection shall meet the standards for accredit-*  
 24       *ing bodies established under section 354(e) of the Public*  
 25       *Health Service Act (42 U.S.C. 263b(e)).*



1       “(b) *The Secretary, in consultation with the Secretary*  
2 *of Health and Human Services, shall prescribe quality as-*  
3 *urance and quality control standards relating to the per-*  
4 *formance and interpretation of mammograms and use of*  
5 *mammogram equipment and facilities of the Department*  
6 *of Veterans Affairs consistent with the requirements of sec-*  
7 *tion 354(f)(1) of the Public Health Service Act. Such stand-*  
8 *ards shall be no less stringent than the standards prescribed*  
9 *by the Secretary of Health and Human Services under sec-*  
10 *tion 354(f) of the Public Health Service Act.*

11       “(c)(1) *The Secretary, to ensure compliance with the*  
12 *standards prescribed under subsection (b), shall provide for*  
13 *an annual inspection of the equipment and facilities used*  
14 *by and in Department health care facilities for the perform-*  
15 *ance of mammograms. Such inspections shall be carried out*  
16 *in a manner consistent with the inspection of certified fa-*  
17 *cilities by the Secretary of Health and Human Services*  
18 *under section 354(g) of the Public Health Service Act.*

19       “(2) *The Secretary may not provide for an inspection*  
20 *under paragraph (1) to be performed by a State agency.*

21       “(d) *The Secretary shall ensure that mammograms*  
22 *performed for the Department under contract with any non-*  
23 *Department facility or provider conform to the quality*  
24 *standards prescribed by the Secretary of Health and*

1 *Human Services under section 354 of the Public Health*  
 2 *Service Act.*

3 “(e) *For the purposes of this section, the term ‘mammo-*  
 4 *gram’ has the meaning given such term in paragraph (5)*  
 5 *of section 354(a) of the Public Health Service Act (42*  
 6 *U.S.C. 263b(a)).”.*

7 (2) *The table of sections at the beginning of such chap-*  
 8 *ter is amended by inserting after the item relating to section*  
 9 *7320, as added by section 3(b), the following new item:*

*“7321. Mammography quality standards.”.*

10 (b) *DEADLINE FOR PRESCRIBING STANDARDS.—The*  
 11 *Secretary of Veterans Affairs shall prescribe standards*  
 12 *under subsection (b) of section 7321 of title 38, United*  
 13 *States Code, as added by subsection (a), not later than the*  
 14 *end of the 120-day period beginning on the date of the en-*  
 15 *actment of this Act.*

16 (c) *IMPLEMENTATION REPORT.—The Secretary of Vet-*  
 17 *erans Affairs shall submit to the Committees on Veterans’*  
 18 *Affairs of the Senate and House of Representatives a report*  
 19 *on the Secretary’s implementation of section 7321 of title*  
 20 *38, United States Code, as added by subsection (a). The*  
 21 *report shall be submitted not later than 120 days after the*  
 22 *later of (1) the date on which the Secretary prescribes the*  
 23 *quality standards required under subsection (b) of that sec-*  
 24 *tion, or (2) the date of the enactment of this Act.*

1 **SEC. 9. PATIENT PRIVACY FOR WOMEN PATIENTS.**

2       (a) *IDENTIFICATION OF DEFICIENCIES.*—The Sec-  
3 retary of Veterans Affairs shall conduct a survey of each  
4 medical center under the jurisdiction of the Secretary to  
5 identify deficiencies relating to patient privacy afforded to  
6 women patients in the clinical areas at each such center  
7 which may interfere with appropriate treatment of such pa-  
8 tients.

9       (b) *CORRECTION OF DEFICIENCIES.*—The Secretary  
10 shall ensure that plans and, where appropriate, interim  
11 steps, to correct the deficiencies identified in the survey con-  
12 ducted under subsection (a) are developed and are incor-  
13 porated into the Department's construction planning proc-  
14 esses and given a high priority.

15       (c) *REPORTS TO CONGRESS.*—The Secretary shall  
16 compile an annual inventory, by medical center, of defi-  
17 ciencies identified under subsection (a) and of plans and,  
18 where appropriate, interim steps, to correct such defi-  
19 ciencies. The Secretary shall submit to the Committees on  
20 Veterans' Affairs of the Senate and House of Representa-  
21 tives, not later than October 1, 1997, and not later than  
22 October 1 each year thereafter through 1999 a report on  
23 such deficiencies. The Secretary shall include in such report  
24 the inventory compiled by the Secretary, the proposed cor-  
25 rective plans, and the status of such plans.